

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10CV553

BANK OF AMERICA, N.A.,

Plaintiff,

Vs.

OLD REPUBLIC INSURANCE
COMPANY,

Defendant.

ORDER

This matter is before the Court upon Defendant Old Republic's Objection to the Magistrate's Ruling on Motions to Compel and Motion for a Protective Order. Old Republic requests the Court's reconsideration of the Magistrate's Memorandum and Order entered on April 16, 2013 denying Old Republic's Motions to Compel and granting Bank of America's Motion for a Protective Order.

Pursuant to Rule 72(a) of the Federal Rules of Civil Procedure, the Court must determine whether the magistrate judge's order is clearly erroneous or contrary to law. An order is "contrary to law" only if a magistrate judge "failed to apply or misapplied statutes, case law, or procedural rules." *High Voltage Bevs. LLC v. Coca-Cola Co.*, No. 3:08-CV-367, 2010 U.S. Dist. LEXIS 63308, *5-6 (W.D.N.C., June 8, 2010). Moreover, an order is "clearly erroneous" only if in making a factual finding "the reviewing court . . . is left with the definite and firm conviction that a mistake has been committed." *Id.*, citing *Walton v. Johnson*, 440 F.3d 160, 173-74 (4th Cir. 2006).

The Court has reviewed the magistrate's order, the Defendant's objections thereto as well as the Plaintiff's response. The Court concludes that the magistrate's order is correct and in accordance with law and will therefore be affirmed.

IT IS THEREFORE ORDERED that the magistrate's Order of April 16, 2013 is hereby AFFIRMED.

Signed: July 23, 2013



Graham C. Mullen
United States District Judge

